

RECEIVED

UNITED STATES DISTRICT COURT

SEP 22 2021

for the

District of _____

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

Division _____

Christopher J Jones

Case No. 3:21-cv-00213-TMB

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

Rubaroc USA

Rubaroc Inc

Barry Meakings Jr.

Vulcan Surfacing Systems Inc

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Christopher J Jones
Street Address	17746 Nitoanya Circle
City and County	Eagle River
State and Zip Code	Alaska
Telephone Number	719-220-0972
E-mail Address	jonesfam2019@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Rubaroc USA
Job or Title <i>(if known)</i>	
Street Address	181 Edgemoor Road
City and County	Wilmington New Castle County
State and Zip Code	Delaware 19809
Telephone Number	1877-782-2762
E-mail Address <i>(if known)</i>	barryjr@rubaroc.com

Defendant No. 2

Name	Rubaroc Inc
Job or Title <i>(if known)</i>	
Street Address	2214 Paddock Way Drive Suite 125
City and County	Grand Prairie, Dallas County
State and Zip Code	Texas 75050
Telephone Number	407-919-6427
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	Vulcan Surfacing Systems
Job or Title <i>(if known)</i>	
Street Address	2214 Paddock Way Drive Suite 125
City and County	Grand Prairie, Dallas County
State and Zip Code	Texas 75050
Telephone Number	972-633-5030
E-mail Address <i>(if known)</i>	sales@vulcansurfacing.com

Defendant No. 4

Name	Barry Meakings Jr
Job or Title <i>(if known)</i>	President of Rubaroc USA, Rubaroc Inc, Vulcan Surfacing
Street Address	1220 Central Park Drive
City and County	Sanford, Seminole County
State and Zip Code	Florida 32771
Telephone Number	972-639-1273
E-mail Address <i>(if known)</i>	barryjr@rubaroc.com

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Rubaroc USA
Street Address	181 Edgemoor Road
City and County	Wilmington, New Castle County
State and Zip Code	Delaware 19809
Telephone Number	877-782-2762

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
September 19, 2017

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☒ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

09/22/2017

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 06/23/2021 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/01/2021

Signature of Plaintiff

Printed Name of Plaintiff


Christopher J Jones

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Damages-

Loss wages- I lost \$18 per hour multiplied by 40 hours per week for a total of \$720. My hourly overtime rate was \$27 per hour at 10 hours per week for a total \$270. My weekly pay was \$990 multiplied by 52 weeks per year for a total of \$51,480 a year. \$51,480 per year multiplied by 3 years out of work following being wrongfully terminated by Rubaroc Inc for a total of \$154,440 in loss wages.

Pain and suffering-

Following the wrongful termination at Rubaroc Inc I attended therapy for 3 years two times a week for a total of 468 therapy visits. My insurance requires a \$30 co-pay costing me \$14,040 for 468 visits. Rubaroc Inc, Rubaroc USA, Vulcan Flooring Systems, and Barry Meakings Jr owes me \$150,000 for pain and suffering plus a \$14,040 refund for my copayment for therapy totaling \$164,040

Total damages-

Loss wages \$154,440

Pain and Suffering- 164,040

Total Damages- \$318,480

I am owed \$318,480 for my wrongful termination at Rubaroc Inc

Christopher J Jones

E. The facts of my case are as follows

I worked as a warehouse manager for Rubaroc USA, located at 161 Edgemoor road Wilmington Delaware 19809, from 2016 to 2017. On September 19, 2017, while at work I found a noose hanging in the warehouse and immediately alerted my manager, Barry Meakings Jr., the president of the company. After finding the noose the employee was fired and everything was fine for about twenty-four hours. After twenty-four hours I started receiving calls from the President of the company encouraging me to hire the employee back because the noose incident was a small matter in his eyes. I felt differently but I couldn't keep telling the president of the company no. I woke up the next day September 21, 2017, determined to take steps to not allow the employee back, which included going to the state police to report the noose hanging and reporting the situation to the department of labor. I was one of two African American employees working at this Rubaroc location at the time. The same day of going to the department of labor I was told to fire the other African American employee. I didn't think this was fair, so I tried to explain to the President of the company why firing the other African American employee was not a fair decision.

Once we reported the noose to the state police, they called the company right away and the president of Rubaroc was upset and focused on retaliation. He never asked and just assumed that the other employee had went and reported everything by himself and I just was a loyal employee with the same views and this President of the company. When the president of the company would call and talk about the African American employee and the situation I would record. He would say things like, the noose was no big deal, who cares about a stupid noose, the other employee would have still had a job if he didn't contact the police and department of labor.

I shared with a fellow employee, the office manager, at Rubaroc that I was becoming very uncomfortable during these conversations with the President, and she went back and told him. At this point I became enemy number one. My overtime was cut and I was alienated at work. My task changed and responsibilities was taken away. I shared what was going on with the department of labor and they tried unsuccessfully to intervene. Whenever we would have meetings in the Rubaroc office to try to get on the same page we would end up disagreeing and heading to the department of labor to ask their opinion on the topic. The last straw was a disagreement about a Facebook post that the Office manager posted that said "there is a sickness in the black community." I was offended by the post and the department of labor told the president of the company during our meeting that the post was hurtful, and he should take action. He fired me right there in front of the department of labor employees. Barry's exact words were "your fired, you and the department of labor are already going to do what you want to do, so your fired."

Even after my termination I still ran in to problems with Rubaroc. Rubaroc was located in Wilmington Delaware and I lived In Rehoboth Beach Delaware but I would get random phone calls from the New Castle County Police stating that they received a call from Rubaroc about me circling the building. Each time I would receive the call I would be in Rehoboth Beach and find the first cop I could find and let them explain that I am Rehoboth Beach and there is no way I could have been in New castle County at the time.

I currently live in Alaska, as far away from people, as possible. I had to take counseling for a years to get over the Rubaroc situation. After waiting years for the department of labor to complete their investigation I received an email with the right to sue letter attached and a phone call stating the Rubaroc closed and filed for bankruptcy and they decided to end their investigation. That day I googled Rubaroc and seen that they did indeed close their Delaware and Texas location but started operating under the business name Vulcan Flooring systems. I recognized the name Vulcan flooring systems from my time at Rubaroc as a subsidiary business of Rubaroc run by Barry Meakings. Vulcan flooring systems name has the same address of Rubaroc, same principal operators, and the same line of business.